



COPY OF PAPERS
ORIGINALLY FILED

COPY OF PAPERS
ORIGINALLY FILED

\$1647

ATTORNEY DOCKET NO. 2004117-0002 (NEMC 197)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carr, et al. Examiner: R. Landsman
Serial No.: 09/428,692 Art Unit: 1647
Filing Date: October 28, 1999
Title: NOVEL CHIMERIC ANALGESIC PEPTIDES

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

RECEIVED

MAY 03 2002

TECH CENTER 1600/2900

Sir:

TRANSMITTAL

Enclosed please find the following documents regarding the above-referenced matter:

- 1) Statement Filed Pursuant to the Duty of Disclosure Under 37 CFR §§ 1.56, 1.97 and 1.98 (4 pages);
- 2) Form PTO-1449 (2 pages);
- 3) Cited Art;
- 3) Check in the amount of \$180.00; and;
- 4) Return Postcard.

Please charge any fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,

Brenda Herschbach Jarrell, Ph.D.
Reg. No. 39,223

Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000
Date: April 18, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231 on 4/18/02

CEIVED

MAY 03 2002



ATTORNEY DOCKET NO. 2004117-0002 (NEMC 197)

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carr, et al. Examiner: Landsman, R.
Serial No.: 09/428,692 Art Unit: 1647
Filing Date: October 28, 1999
Title: NOVEL CHIMERIC ANALGESIC PEPTIDES

#14
Dmt
5/6/02

ASSISTANT COMMISSIONER OF PATENTS
WASHINGTON, DC 20231

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants request consideration of this Supplemental Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

(Select A, B or C below)

A. [] This Supplemental Information Disclosure Statement has been filed
(check 1, 2 and/or 3 below)

1. [] within three months of the filing date of the above identified U.S. Patent application.
2. [] within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International application.
3. [] before the mailing date of the first Office Action on the merits in the above-identified application.
4. [] before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

No fee or certification is required.

05/01/2002 HN00R1 00000018 09428692

01 FC:126

180.00 0P

USSN 09/428,692
3388977v1

Page 1 of 4

Atty Docket No.: 2004117-0002
(NEMC 197)

B. This Supplemental Information Disclosure Statement has been filed more than three months after the filing date of the present application and after the mailing date of this first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

(check 1 or 2 below)

1. The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.
2. The Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that

(check a or b below)

- a. each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
- b. no item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

C. This Supplemental Information Disclosure Statement has been filed after the mailing date of either a Final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and before payment of an Issue Fee.

(check a or b below)

1. The Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that:
 - a. each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
 - b. no item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual

designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

2. A Petition requesting consideration of the Supplemental Information Disclosure Statement is attached.

3. The Petition Fee of \$130 as set forth in 37 C.F.R. §1.17(i)(1) is enclosed.

PART II - 37 CFR § 1.98 Content of Supplemental Information Disclosure Statement:

[X] Applicants hereby make of record in the above-identified application all patents, publications, applications or other information submitted for consideration by the Office listed on the attached form PTO-1449 (modified). The order of presentation of the patents, publications, applications or other information should not be construed as an indication of the importance.

For each patent, publication, or other information listed that is not in the English language, the following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

Alternatively, if a written English-language translation of a non-English-language document, or portion thereof, if within the possession, or control of, or is readily available to any individual designated in § 1.56(c), a copy of the translation is provided herein as identified:

PART III: Remarks

A copy of each of the above-identified U.S. and foreign patent(s), publication(s), application(s) or other information submitted is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information been fully considered by the Patent and Trademark Office during the examination of this application; and

3. The citations for the patent(s), publication(s), application(s), or other information be printed on any patent which issues from this application.

By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that a search has been performed, of the extent of any search performed, or that more material information may not exist.

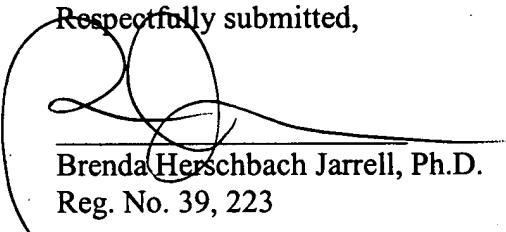
By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited materials. An early and favorable action is hereby requested.

Please charge required fees to Deposit Account No. 03-1721.

Respectfully submitted,


Brenda Herschbach Jarrell, Ph.D.
Reg. No. 39, 223

Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000
Date: April 18, 2002

I hereby certify that this correspondence
deposited with the United States Postal Service,
class mail in an envelope addressed to:
Commissioner For Patents, Washington DC 20231
on 4/18/02